

1. Definitions and Interpretation**a. Definitions**

This Nomination Criteria is to be read in conjunction with the Swimming Australia Nomination and Selection Guidelines. All defined terms in this Nomination Criteria have the same meaning as in the Guidelines, unless otherwise stated.

Unless otherwise defined below, capitalised terms in this Nomination Criteria have the meaning given to them, certain of which have been reproduced below for the sake of convenience.

Alternate Qualifying Meets means the Designated Consideration Meets to be considered by the SA Selection Committee only if the Qualifying Meet is cancelled

CGA means Commonwealth Games Australia and any of its officers, employees or agents and any committee it convenes including the games selection committee.

CGA Board means the Board of CGA

Designated Consideration Meets means the meets set out in Appendix 4

Athlete means a person who:

- i. Participates in the Sport; and
- ii. Is recognised by the National Federation of CGA as eligible for nomination to CGA for selection to the Team pursuant to this Nomination Criteria.

FINA A Qualification Times are the FINA A qualification times set out in Appendix 1

FINA Point Score means the scoring system administered by FINA and available at <https://www.fina.org/swimming/points>

Games means Birmingham 2022 Commonwealth Games

Individual Olympic Event means an individual Olympic swimming event that will form part of the Birmingham 2022 Commonwealth Games program

International Federation means Fédération Internationale de Natation (FINA).

National Federation means Swimming Australia (SA)

Nomination Date means Monday 20 June 2022

Secondary Selection Meets means the meets set out in Appendix 3

Swimming Australia Selection Panel means the committee established by the Swimming Australia Board to endorse and monitor the nomination criteria for all Swimming Australia teams on behalf of the High Performance Committee

Sport means Swimming.

Sport Entries Deadline means the date on which entries to the Games must be submitted.

Team means the team of athletes and officials selected by CGA to participate in the Sport at the Games.

b. Interpretation

- a. Unless the context otherwise requires, reference to:
 - i. a clause is to a clause of this Nomination Criteria;
 - ii. the singular includes the plural and the converse also applies;
 - iii. persons include incorporated and unincorporated bodies, partnerships, joint ventures and associations and vice versa and their legal representatives, successors and permitted assignees and substitutes;
 - iv. a party includes the party's executors, administrators, successors and permitted assignees and substitutes.
- b. If a person to whom this Nomination Criteria applies consists of more than one person, then this Nomination Criteria binds them jointly and severally.
- c. A reference to time, day or date is to time, day or date of Sydney, Australia.
- d. Headings are for convenience only and do not form part of this Nomination Criteria or affect its interpretation.

2. Background

- a. The Swimming Australia (**SA**) Australian Swim Team (**Team**) will compete at the 2022 Commonwealth Games (**Competition**) which is to be held from 29 July – 3 August 2022 in Birmingham, England
- b. This nomination policy (**Policy**) details the process and criteria by which SA will nominate athletes to Commonwealth Games Australia (CGA) for selection on the Team to compete at the Competition.
- c. The Qualifying Event is the 2022 Australian Swimming Championships, which will take place on 4 – 9 April 2022 in Adelaide, Australia.
- d. This Policy can be amended at any time by SA, with the approval of the CGA, if SA is of the opinion that such an amendment is necessary for any of the following reasons:
 - i. as a result of any change in Team eligibility criteria or rules;
 - ii. as a result of any change in the rules governing the Competition or a particular event;
 - iii. to give effect to the Policy following a drafting error or oversight; or
 - iv. to clarify any ambiguity or otherwise give effect to the intended meaning of the Policy.
- e. SA will publish amendments to the Policy on its website and those amendments shall take effect immediately. Otherwise, SA shall not be responsible or liable in any way to

anyone as a result of any such amendment.

3. Team composition, size and rankings.

Team composition and size

- a. The SA Selection Panel will select the Team to be nominated to the CGA.
- b. When nominating the Team, the SA Selection Panel will nominate the Team based on this Policy, the composition of which is to be determined by the SA Selection Panel and is to consist of a maximum of forty-six (46) swimmers (the **Team Size**).
- c. Neither this Policy, nor SA or the CGA requires SA to nominate the maximum number of athletes to the Team. Final Team members and composition of the Team are determined at the absolute discretion of the SA Selection Panel as set out in this Policy. For the avoidance of doubt, nothing in this Policy operates so as to require the Selection Panel to nominate any athletes to the Team or fill all available positions on the Team.
- d. For the avoidance of doubt, athletes nominated to the Team in the individual event are also eligible to be, but are not automatically, nominated for the Team for relay events in the Competition.

Rankings

- e. Where more athletes meet the Performance Requirements for individual selection to the Team than the Team Size permits, those athletes will be ranked from highest to lowest within Priority 1 to Priority 3 based on the **Priority System**, in individual events according to the 2021 FINA world-rankings (two per nation, excluding Australians)" (**Ranking System**) with the number of top-ranked athletes equal to the Team Size being nominated to the Team.
- f. In the event of a tie for the final position on the Team based on the Ranking System, then the 2022 FINA point score(s) for the tied athletes will be used to separate the tied athletes.
- g. If the tied athletes remain tied on the 2022 FINA point score, then the SA Selection Panel will nominate the athlete(s) to the Team from the tied athletes at their absolute discretion, in accordance with the discretion and Factors provided at clauses h and i

4. Eligibility Criteria

To be eligible for selection in the Team for the Competition, an athlete must:

- a. be an Australian citizen who is eligible to represent Australia at the Competition as per FINA General Rule 2;
- b. meet all eligibility rules, including any age requirements, imposed by FINA (if applicable);
- c. meet the Performance Requirements applicable to the event in question;
- d. be a registered member of, and in good standing with, SA;

- e. have not breached CGA Anti-Doping By-Law, unless the athlete has already been sanctioned by the breach and completed the sanction imposed;
- f. have not by their actions or omissions brought themselves or their Sport into disrepute; and
- g. sign the 2022 Commonwealth Games Team Agreement.

5. Athlete Selection Process and Criteria

The requirements to be met in order to be considered for selection (**Performance Requirements**) for different events at the Competition are as follows and are subject at all times to adjustments to the Team due to:

- a. Extenuating Circumstances under clause 6; and
- b. the Team Size and Ranking System under clause 3.

Priority 1 - Individual Olympic Events

- c. The first placed eligible athlete in the Open Final of an individual Olympic event at the 2022 Australian Swimming Championships (**Selection Trials**), who is available to compete at both the 2022 FINA World Championships and 2022 Commonwealth Games, will be nominated to the Team subject to the time that they swim in the Open Final equalling or beating the SA Qualifying Time for that event listed in Appendix 1. An athlete that meets this clause will be a Priority 1 athlete.

Priority 2 - Relay Events

- d. The following criteria will apply to determine the nomination of athletes for the following events at the sole and absolute discretion of SA Selection Panel.

Medley Relay

- e. The Medley Relay involves a 100m swim of each discipline, each by a different athlete.
- f. The first and second ranked eligible athletes at the conclusion of the secondary selection meets in each of the 100m Freestyle, Backstroke, Breaststroke and Butterfly events at the Selection Trials and secondary selection meets, may be considered for nomination to the Team for the Medley Relay.

100m and 200m Freestyle Relay

- g. Following the conclusion of the secondary selection meets, the first and second ranked eligible athletes in the 100m and 200m Freestyle at the Selection Trials and secondary selection meets will be nominated to the Team.
- h. The eligible athletes ranked 3rd-8th in the 100m and 200m Freestyle events at the conclusion of the secondary selection meets may be considered for nomination onto the Team as a "relay-only" athlete (**Relay Only**). In selecting the Relay Only athletes, the SA Selection Panel at their absolute discretion may select the athletes, from those ranked 3rd-8th at the Selection Trials and secondary selection meets, to fill the remaining positions in the Team at its absolute discretion. Without in any way limiting the discretion

of SA Selection Panel, in making a determination as to which of the athletes to nominate as Relay Only athletes under this clause, the SA Selection Panel may consider the following factors (the **Factors**):

- i. past relay performances;
 - ii. past relay skills;
 - iii. performances at previous domestic and international events;
 - iv. any other factors the SA Selection Panel considers relevant;
- i. The discretion granted to the SA Selection Panel in clause h above is absolute and it need not be exercised. In exercising its discretion, the SA Selection Panel may consider any Factor, or combination of Factors that is, in the opinion of the SA Selection Panel, relevant for consideration when nominating athletes to the Team and may attribute whatever weight it deems appropriate to any particular Factor when making its decision. For the avoidance of doubt, the SA Selection Panel is not required to consider, turn their mind to or rely on all the Factors in the exercise of their discretion to make a nomination decision (for example, the SA Selection Panel is therefore entitled to rely on one Factor, two Factors, three Factors, etc. or a combination of a number of Factors in the exercise of discretion to make a nomination decision).

Priority 3 – Second & Third Ranked athletes in individual Olympic Events

- j. At the conclusion of the Secondary Selection Meets, the first and second ranked, eligible athletes in each Olympic Event not already nominated to the team as a priority 1 athletes will be nominated to the Team subject to the time that they swim equalling or beating the SA Qualifying Time for that event listed in Appendix 1 and in accordance with clause 3 of this criteria. An athlete that meets this criteria will be a Priority 3 athlete.

Priority 4 - Non-Olympic Events

- k. The first, second and third ranked eligible athletes in the Open Final of the Men's and Women's 50m Backstroke, 50m Breaststroke, 50m Butterfly at the conclusion of the Selection Trials and Secondary Selection Meets may be nominated to the Team in accordance with clause 3, subject to the time that they swim in the Open Final equalling or beating the SA Qualifying Time for that event listed in Appendix 1. An athlete that equals or beats the SA A Qualifying Time will be a Priority 4 athlete.
- l. Other Events If no athletes equal or beat the relevant SA Qualifying Times, then no athlete will be nominated to the Team for that relevant Individual Olympic Event (**Relevant Event**) based on the Open Final selection process. However, athletes selected to the Team for other Individual Events may be entered by the National Head Coach to compete in the Relevant Event at the Competition, subject to that athlete having met any applicable qualification time(s) for the Relevant Event. Any selection for a Relevant Event on the basis of this paragraph:
- i. may be made by the National Head Coach at its absolute discretion, which need not be exercised; and
 - ii. is not capable of being appealed either under the Appeal Charter or otherwise.

- m. In the case of a tie by two or more athletes in the Open Final of an individual Olympic event at the Selection Trials, and that tie is determinative of whether some of the tied athletes are nominated to the Team and they swam a time in the Open Final that equals or betters the applicable SA Qualifying Time listed in Appendix 1, a further race will be conducted at the Selection Trials between the tied athletes at a time to be determined by the Competition Technical Manager, with the winner of that race obtaining nomination to the Team, and where a second place remains available in that event for the Team (for example, where three athletes are competing for two positions on the Team), the second placed athlete will be nominated to the Team.

6. Event Cancellation, Selection and Consideration

- a. In the event that the Qualifying Event is cancelled the SA Selection Panel will consider the Alternative Qualifying Events as follows:
 - i. Athlete performances will be considered from the results achieved at the Designated Consideration Meets. The Designated Consideration Meets are included in Appendix 4 of this criteria.
 - ii. In the event that the Designated Consideration Meets are cancelled or not all athletes are able to attend to Covid related border closures, the SA Selection Panel and National Head Coach may consider athletes that have met the qualifying standard at a FINA Approved meet between 1 January 2021 and 30 June 2022.

7. Extenuating Circumstances

- a. Notwithstanding anything contained within this Policy, the Swimming Australia Chief Executive Officer (CEO) may recommend to the SA Selection Panel, and the SA Selection Panel may make a change to the athletes nominated to the Team for any event due to Extenuating Circumstances preventing an athlete from otherwise meeting the Performance Requirements.
- b. Only Extenuating Circumstances which prevent an athlete from meeting the Performance Requirements will be considered. In considering the performances of athletes at the Selection Trials, the CEO at its absolute discretion, may recommend to the SA Selection Panel that they give weight to Extenuating Circumstances.
- c. For the purposes of this Policy, "Extenuating Circumstances" means:
 - i. injury or illness;
 - ii. equipment failure (where applicable);
 - iii. travel delays;
 - iv. bereavement or disability arising from death or serious illness of an immediate family member;
 - v. an unanticipated event occurring at the Selection Trials; and/or
 - vi. any other factors reasonably considered by the CEO at its absolute discretion, may recommend to the SA Selection Panel to constitute Extenuating

Circumstances.

- d. A decision in each case of Extenuating Circumstances will be made by the Selectors on an individual basis.

8. Appeals

- a. Subject to clause b, Athletes may appeal their non-nomination to the Team by the SA Selection Panel. All nomination and selection appeals are to be conducted in accordance with Schedule 1 of the CGA Nomination and Selection By-Law.
- b. Decisions by the SA Selection Panel relating to:
 - i. Relevant Events made under clause 5(d) of the Policy; and
 - ii. The non-Olympic events made under clause 5(j) of the Policy, are not subject to any right of appeal under the Appeal Process or otherwise.

9. Withdrawal

- a. Should an athlete withdraw from the Team following their nomination to the Team, the CEO may request that the SA Selection Panel nominate a replacement to the CGA for approval. The SA Selection Panel may nominate any athlete at its absolute discretion provided the replacement athlete satisfies the Eligibility Criteria in Clause 4, has met the relevant SA Qualifying Time, and in making its decision the SA Selection Panel is again granted the discretion granted to it at clause h and i.
- b. Once CGA has considered a nomination and confirmed selection to the Team, it is entirely a matter for CGA as to whether it de-selects from the team and/or selects a replacement athlete to the Team.

10. Team Membership

- a. Athletes nominated to the Team are to sign a CGA and SA Team Agreement to confirm their selection and agree to be bound by its terms and conditions.
- b. Athletes agree that the SA Selection Panel may recommend to the CGA an athlete be removed from the Team at any time and immediately on notice to the relevant athlete where:
 - i. that athlete has not met SA's requirements in relation to training and participation in training camps as required by SA;
 - ii. the SA Selection Panel is not satisfied that the athlete is appropriately committed to training and has achieved and is maintaining an appropriate level of health and fitness to achieve their peak performance at the Competition; and
 - iii. that athlete has not completed, signed and returned to the SA the Team Agreement, Medical and Next of Kin form and a guardian form (where applicable) as required by SA.
- c. Once CGA has considered a nomination and confirmed selection to the Team, it is entirely a matter for CGA as to whether it de-selects an athlete from the Team.

APPENDIX 1 QUALIFYING TIMES

2022 Commonwealth Games Qualifying Times		
SELECTION EVENTS	MEN	WOMEN
50m Freestyle	22.18	25.04
100m Freestyle	48.77	54.25
200m Freestyle	1:47.06	1:58.66
400m Freestyle	3:48.15	4:10.57
800m Freestyle		8:37.90
1500m Freestyle	15:04.64	
50m Backstroke	25.17	28.22
100m Backstroke	54.03	1:00.59
200m Backstroke	1:58.07	2:11.08
50m Breaststroke	27.33	31.22
100m Breaststroke	59.75	1:07.43
200m Breaststroke	2:10.32	2:25.91
50m Butterfly	23.63	26.32
100m Butterfly	51.96	58.33
200m Butterfly	1:56.71	2:09.21
200 IM	1:59.76	2:12.98
400 IM	4:17.48	4:43.06

**APPENDIX 2
PRIORITY SYSTEM AND RANKING SYSTEM**

The Priority System operates as follows:

Introduction

1. During the Selection Trials and Secondary Selection Meets, athletes who equal or beat:
 - (a) the SA Qualifying Time are to be **Priority 1, 2, 3 or 4 Athletes** (depending on the event).
2. After the relevant qualifying events, the number of Priority 1, 2, 3 and 4 Athletes will be determined.
3. Where there is a reference to athletes being "ranked" in the Priority System, that ranking is done so in accordance with the Priority Ranking of the athletes as set out in the Ranking System section of this Appendix 2.

Selection

4. Where the number of Priority 1 Athletes is less than the Team Size:
 - (a) all Priority 1 Athletes are nominated to the Team;
 - (b) the number of positions in the Team remaining is determined (**Remaining Positions**) and these Remaining Positions are filled by the number of top-ranked Priority 2 Athletes which is equal to the Remaining Positions; and
 - (c) any remaining Priority 2 Athletes are not nominated to the Team
5. Where the number of Priority 1 Athletes is equal to the Team Size:
 - (a) all Priority 1 Athletes are nominated to the Team; and
 - (b) no Priority 2 Athletes are nominated to the Team.
6. Where the number of Priority 1 Athletes is more than the Team Size:
 - (a) the number of top-ranked Priority 1 Athletes which is equal to the Team Size are nominated to the Team; and
 - (b) no Priority 2 Athletes are nominated to the Team.

Examples

7. **Example 1:** If the Team Size is ten and there are six Priority 1 Athletes and seven Priority 2 Athletes then:
 - (a) the six Priority 1 Athletes are nominated to the Team;
 - (b) the Priority 2 Athletes are all ranked; and

- (c) the top four-ranked Priority 2 Athletes are nominated to the Team. The remaining three Priority 2 Athletes are not nominated to the Team.
8. **Example 2:** If the Team Size is ten and there are twelve Priority 1 Athletes and seven Priority 2 Athletes then:
- (a) the Priority 1 Athletes are all ranked;
 - (b) the top ten-ranked Priority 1 Athletes are nominated to the Team. The remaining two Priority 1 Athletes are not nominated to the Team.
 - (c) The seven Priority 2 Athletes are not nominated to the Team.

The Ranking System

The FINA two-per-nation world-ranking system (excluding Australians) operates as follows:

- 9. The Ranking System is used to give each Priority 1, Priority 2, and Priority 3 Athlete a ranking against each other athlete in that Priority. It allows athletes who compete in different events to be compared by determining who has a higher ranking in their particular event.
- 10. When ranking athletes, their time swum in the Open final of the applicable events at the Selection Trials or the Secondary Selection Meets are used, with the exception of the 2022 FINA World Swimming Championships, where all times are considered.
- 11. That athlete's time is compared to the 2021 world rankings, excluding Australians, for that event.
- 12. The two-per-nation limit means that a maximum of two from a country can be ranked ahead of an athlete. For example, if an athlete is ranked 5th in the world based on the times considered at section 10 above, but athletes 1-4 are all from the USA, that athlete's ranking will be 3. That athlete will then have their world ranking for that event (**Event Rank**).
- 13. All athletes that finish ahead of an athlete in the Open Final will be included in the rankings and be ranked ahead of an athlete. For example, if an athlete's two per nation rank is 6th based on section 12 above, but they are the second placed athlete in that event than that athlete's ranking will be 7. That athlete will then have their world ranking for that event (**Event Rank**).
- 14. Where material to a nomination (for example under 7(c) and 9(a) above), each athlete in the relevant priority is ranked in this manner and given their Event Rank.
- 15. The Event Rank of each athlete in the relevant priority is then compared with all athletes in the priority (with the lower number for an Event Rank being the best) so that each athlete has a ranking in their priority (**Priority Ranking**).
- 16. The athletes nominated to the Team will be the number of athletes, in order of Priority Ranking, that are equal to the number of positions to be filled. For example, if there were six positions to be filled, the top six ranked athletes by Priority Ranking are nominated to the Team.
- 17. Where two or more athletes have the same Event Rank, and that Event Rank is material to nomination to the Team (for example if the number of positions to be filled is 10 and athletes

with a Priority Ranking of 9-11 had the same Event Rank), then the FINA point score is used to separate them as set out in clause 3(f) of the policy.

Appendix 3

Secondary Selection Meets	
Meet 1	2022 FINA World Swimming Championships – 22 – 28 May, Fukuoka, Japan
Meet 2	2022 Sydney Open - 18 & 19 June 2022, Sydney
Meet 3	2022 Mare Nostrum Monaco – 18 & 19 June 2022, Monaco

Appendix 4

Designated Consideration Meets	
Meet 1	2022 NSW State Open Championships, 4 – 6 March 2022, Sydney
Meet 2	2022 Victoria State Open Championships, 18 – 20 February 2022, Melbourne
Meet 3	2022 South Australian State Open Championships, 21 – 23 January 2022, Adelaide
Meet 4	2021 WA State Open Championships, 17 – 21 December 2021, Perth
Meet 5	2021 QLD Championships, 11 – 17 December 2021, Brisbane
Meet 6	2021 Swimming Australia Trials, 12 – 17 June 2021, Adelaide